G.R.S. IX-5]

*Previous references.*

1929

File No. 369-'9

Serial Nos. 7, (10 & 14)

*Later references.*

171-28-1

*Serial Nos.* 67

Retained

**Part B for** October 22

SUBJECT

Service application from the Agent of Sri Rajarajeswara Swami Math for the temple of Sri Srinivasa Swami in the Math Choultry

Printed on the Multigraph.

GENERAL AND REVENUE SECRETARIAT.

( Revenue )

NOTES.

File No. 369/19

FILE HEADING.

Review application from the Agent of Sri Raghavendra Swami matt

From

The Agent of the Matt.

No. Petition Dated 4.10.21. Received

| Diary No. | Enclos. 1 Spare Copies. — | Serial No. 7 |
|---|---|---|
| 1395 | | |

BRIEF ABSTRACT OF LETTER

Prays that on a re-consideration of G.O. no. 1519-20 Dt 20.9.21 and (Mis 369-16) after hearing him, the temple of Sri Anjane, Swami in the matt building at chickpet, Bangalore, and the buildings attached thereto, be resumed from the present alience Anantaswami,

NOTES AND ORDERS

and restored to the possession of Swamigalu.

This is a review-application on behalf of the Sri Raghavendra Swami matt for a re-consideration of G.O. Dt 20.9.21. relating to the matt building. It was presented to the

NOTES—First Sheet.

GPB—30,000—12 8 11

Serial No.

3

Hble Members of Council, and has been received with the following order:—

"..... It is a fresh aspect of the case that is now put before Govt."

The petition is duly stamped, and is in time.

On a previous claim of the Math for the restoration of the Math building, Govt declined to interfere in the matters in the order of Septr 21 now sought to be reviewed. In this order, the question of Anjaneya a temple located in the building, has been incidentally raised, and it has been observed that the present absence has been in possession for over nearly 100 years, that worship is properly conducted and the temple is in a good condition.

The Agent prays that on a revision of this order on merits of the case, the temple and its connected buildings may be restored from the absence-Anantaramuti, and restored to the Srarnigalu.

The grounds for review are

Serial No.

fully set forth in the petition. It is seen from the inam registe that Anjaneya Devaru in question was founded by Sri Raghavendra Swami, that the grant from Govt. is made for daily Puja and Padhara etc. and that the manager Protem (who is practically the Swami of the math) is the person responsible for the management of the Temple. "It has been ruled so far back as 1893 that the representatives of a temple are not the Pujaris or Mokhtippers, but the recognized managers of the institution" The Inam Settlement took place in the year 1876, and no mention of the family of the alienee Anantacharlu's ancestors are made therein, as recognized managers of the institution. In the matter of the alienee's possession for 100 years, the math contends that the position of the opponent is a bare trustee, who has repudiated the very trust under which he holds the property, that the remedy for regaining possession is not barred

(Type)

X

(Type name of the Respondent) in the second

Y

NOTE—Contn. sheet.

Serial No.

by time, and that there is total absence of evidence on his side to show that his possession was adverse and hostile to the Math.

As regard worships, it is contended that the Math have in the past, exercised the right of appointment of Archaks to this Temple, that the present Archak is incompetent and ineligible to manage the stipulated functions in the temple and that there have been complaints of the non-conduct of daily worships and stipulated Sevas. It is a point for consideration that the petr who complains of the non-performance of worship is the religious head of a Math etc. who is to regulate ~~the~~ puja in temples dedicated to Gods.

It is further complained that the rents from the shops and the site which have been admitted by the petr's mother Venkatrai in 1908, and latterly by the present alienee on the occasion of Nuvaji Swami's

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Visit to Bangalore, as well as in receipts granted by him to the tenants of the Shops, as being Temple property, are not used for temple purposes in para 6 of his petn.

The matt Agent states that he has applied for copies of certain old references, evidencing his claim, for production before Govt, and prays that he may be heard before his application is finally disposed of.

The contending parties in this case were not heard before Govt at the time of passing the order now sought to be reviewed, and if directed, the case will be posted for hearing, notice being given to both parties.

Submitted for orders.

2-11-21.

notes in

The Mus: file 369 of 19 (16) and the previous files give a clear history of the case. In G.O. No 1579-20/Mus 369-19-6 dt 20.9.21 it was ordered that for the temple in Ulsoor the

NOTE—Contn. sheet

G. R. S. III-2]

General and Revenue Secretariat.

Mis File No. 369 of 1919

Serial No.

The Mus dept was concerned only with the temple in the building and as it has been reported to be in a good condition & puja properly performed therein, that dept saw no reason to interfere in the matter

This position does not seem to be altered by the ground of "trusteeship" which has now been freshly introduced by the appellant and which is not borne out by documentary evidence on file.

Orders are solicited whether the Agent of the matt, the present petr. may be asked to produce any documents in his possession evidencing the creation of a "trust" on behalf of the ancestors of the present occupants?

RG
4.11.21

Mr Ayanna Parikshitkar vs Tuppil Venkatachar of this office who visited the building on the 20th instant reports that he visited the place along with one Mr. Navaratna Subba Rau of the Uttaradi matt and on making confidential enquiries outside the building were told that puja &c

NOTE—Contn sheet.

G. R. S. III-2]

General and Revenue Secretariat.

Mag File No. 369 of 19/9.

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Worship regularly performed in the temple once a day, that on going inside the building and seeing the present manager Ananta-murti who opened the door of the temple, they found signs of daily worship being properly performed, that akhanda was said to have been maintained, tho' on the day of their visit no lamp was burning which was said to be due to certain causes & would be restored as soon as the archak came next, that the archak is said to be one Raghavendra-char of the Uttaradi mutt who is paid Rs 4 per month and given food once a day in Anantamurti's house.

The building has 4 shops outside and one of the habitable houses inside which are said to have been built by Ananta murti at his own expense and fetching a rent of about Rs 100 per month. The temple is not looking like a temple and the reason ascribed by Ananta murti is that he applied for the grant of a license to rebuild the temple which was refused by the Dy Com. of Bangalore Dt. He said that as soon as a license is granted he would rebuild the temple in proper

round which there is a vacant piece of ground

NOTE—Contn. sheet

G. R. S. III-2]

General and Revenue Secretariat.

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Serial No.

Devasthan fashion.

The above is the report of Ved: Venkatachar

22-11-22

The temple of Ramesa and the house of the Archik are two distinct items of property. The former is a Muzrai institution being endowed with both agricultural inams. The latter does not belong to Govt and it was not given by Govt to the Archik. Recently the Mutt a former Swamy obtained it from Maldar Ram and gave it to the Archik. Whether the Mutt now wants to take Govt should dispossess the Archik and deliver possession of the building, which is now lying in the same condition in which it was when it was given to the Archik, I think unproved. Is the Mutt, I can hardly do so? There are two alternatives. The Govt might or might not

NOTE—Contn. sheet

G. R. S. III-2]

General and Revenue Secretariat.

File No. 369 of 1917.

Serial No

The Consequences of each of these alternatives may be considered
If Govt refuses to interfere
it does not render itself liable
to any action. The Mutt cannot
file a suit against Govt, for
the former never gave the building
to the latter and cannot expect
Govt to restore it to them. If
on the other hand Govt should
interfere, take possession
from Jnanatma Muni and deliver
it to the possession of the Mutt,
it will render itself liable to
a civil action, which it
will be open to Jnanatma Muni
to institute against the officer
directing or effecting his removal
from the building. The interference
of Govt in a civil dispute between
two private parties, cannot
be justified. The better course
to adopt is therefore not to interfere
in the matter.

It is stated that

NOTE—Contn. sheet

G. R S. III-2]

General and Revenue Secretariat. | File No. of 19

Serial No.

Question of Jurisdiction can arise but these Questions need not be considered in Court when reference is made called for these questions will arise for decision if the Matter goes to Suit in a Civil Court against Agantia Mudr. ✓ Mudr State at the same time that according to the allegations of the Matter the relationship between Mudr Agantia must appears to be that of principal and agent. ✓

On other Matters refer to the notes in my Minute file 309 of 1919 — Send the file up for a hearing. The Matter about the Land Revenue Jurisdiction may be consulted with the Revenue Member 22/11/19

A approves.

Reg 26.11.19

3007-172
25.11.19

NOTE—Contr. sheet

G. R. S. III-2]

General and Revenue Secretariat.

Muz File No. 369 of 1919.

Serial No.

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6. 1. 922

The history of the institution in question has been dealt with at length in the office note and the remarks of the Muzrai Secretary in File No 369-19 of 1919-20 and I do not, therefore, propose to go over the same ground again. From a careful study of the papers I find that the opinion recorded by the Muzrai Secretary in that file as also in the present file gives a correct view of the legal position.

In the latest application of the petitioners (Dated 3-10-1921) there is nothing that is really new. The main point emphasized is that the opponent is a trustee, a point which had not been conceded in any of the previous applications, and all the other allegations are mere reiterations. This new aspect of the case is evidently intended to bring the case, if possible, within the terms of Section 9 of the Muzrai Regulation

And

NOTE—Contn sheet

G. R. S. III-2]

General and Revenue Secretariat. | Mug File No. 369 of 19/9.

Serial No.

thereby to ask for a resumption and an Endowment of the properties to the Mutt.

It is clear that Government cannot assume any jurisdiction over properties which are not proved to belong to the Anjaneya temple which is admittedly, or at least proved to be, a Muzarai Institution, and cannot therefore take any action in regard to the buildings other than the temple proper.

It is of course open to the Muzarai Department, under the System, to resume the Cash Grant and the Kodagi Inam grant provided that it is satisfied that the income from these sources is being misappropriated and is not being utilized for the legitimate purposes for which the grants were made. But I find from the records that there is no such misappropriation but that, on the other hand the worship &

NOTE—Contn sheet

G. R. S. III-2]

General and Revenue Secretariat

File No. 31 of 19 /

Serial No

being regularly conducted and that the temple is in a good condition. No case appears, therefore, to have been made out for any resumption of the grant.

No has it been established that the Mutt Raghavendra Swamin Mutt had at any time anything to do with the institution. The Mutt cannot, in any view of the case, claim to be put in possession of the properties.

As the matter has already been finally disposed of by Government in a previous order there do not appear to be sufficient grounds to reopen the matter.

Ushanakkeel
Govt. Advocate

5th January 1922.

Second Member) 6/1/22

Petn. prays for a hearing. 3693-47. 10.1.22

Mr. Dor. B. Rajneesh learned counsel for Petnr. appeared before me & asked that he be given a personal hearing before order be passed. He may be informed that

NOTE—Contn sheet

G. R. S. III-2]

General and Revenue Secretariat. | File No. of 19

Serial No.

shall hear him about 3.30 p.m on Monday 16th instant.

Rao
11.1.22.

Draft on Mr B. Vasudeva Murti
is put up
12
Rao
11/1/22

To Mr B. Vasudeva Murti, Advocate.

C.M.no. 3523 & 12.1.22.

Informs him that the case has been posted for hearing on 16.1.22 at 3.30 P.M

From Mr Vasudeva Rao, Advocate.

Requests that the case may be heard on 20th or 21st instant, as the papers connected with the case ~~are~~ are with the Haripachar and cannot be got earlier.

Submd for orders.

-80-
13.1.22

Rao 13/1/22

The hearing may be fixed on 25th instant.

Rao 16/1/22

16.1.22

25th for [illegible]

3771-16
16.1.22

NOTE—Contn sheet.

2

G. R. S. III-2]

General and Revenue Secretariat

Mis File No 369 of 1919

| Serial No. | |
|---|---|
| | Draft letter to the Advocate is submitted.<br>80 17.1.22 17.1.22 |
| 10 | To B. Vasudeva Ayyangar Esq. B.A., L.L.B., Advocate, Chidambaram<br>No: 3732 dt 17.1.22<br>Posts the hearing to the 25th January 1922 |
| | As intimated by the Personal Assistant to the member, a draft letter informing the Advocate that the hearing of the petn has been adjourned to the 28th instant, is put up, as per orders.<br>80 21.1.22 21.1.22 |
| 11 | To B Vasudevayyangar Esq Advocate<br>No: 3799 dt 21.1.22<br>Postponing the hearing to the 28th Jan. |
| | Mr B. Vasudevayyangar appears before me this day & argues the case on the Petitioners. He prays that the malis |

NOTE—Contn. sheet

G. R. S. III-21

General and Revenue Secretariat.

File No. 76C of 19 19

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might be referred for a further regular Enquiry. When he was by Establish his case change of gross mismanagement on the part of the Opponents. The previous report of the D.C. does not disclose any case of mismanagement but he does not appear to have summoned the contending parties heard them & examined any documentary evidence. The case will therefore be returned back for a regular enquiry & early report.

Sd
25.1.22
W/28/1/22

Sd. Illegible
27.1.22
31.1.22

Secretary (Illegible) 1/2/22

Draft appd. by the Secretary of Council.

4041-11
1.2.22

12 No: 4151 of 3.2.22 to the Dy Commr Kurunegala District.

Forwards Copy of order in Appeal No: 11 of 20-21, re the holding of a fresh enquiry by the Dy Commr in the matter.

NOTE—Contn. sheet.

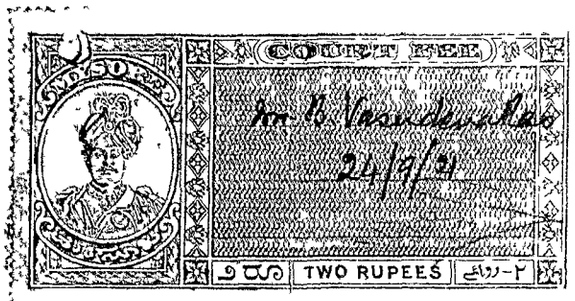
G. R. S. III-21

General and Revenue Secretariat.

Mercy File No. 369 of 1922

| Serial No. | |
|---|---|
| 13 | From, the Dy. Comr., Bangalore Dist., Letter no. 5 Dy 23.6.1922. Requests the return of certain references bearing on the case. D.O.K. Subedar [illegible] 8.7.22 [illegible] 11/7/22 |
| 14 | No 16 2 dt July 1922 Do, the D.C. Bangalore Forwards certificate [illegible] Acknowledged [illegible] Transferred to the Mercy Comn with letter no 1504 [illegible] |

NOTE—Contn. sheet.




1395
21 22

ssuked in person.
amp, Mysore
3 22 Oct. 21

the Secy.
both Emphin Enclr.

This may be worked up
in the annual cases.
It is a fresh aspect of
the case that is Review Petition No. of 1921-22.
to post before Govt.
Thd
4.10.21

BEFORE THE GOVERNMENT OF H.H.THE MAHARAJA OF MYSORE.

Hariyachar, Agent, Sri Raghavendra Swami Mutt of Nanjanagud. ... Petitioner.

The petitioner abovenamed humbly prays that the Government may be pleased to review G.O.No.-1519-20/MF.369-19-6 dated 20-9-21 for the following among other reasons, viz.

1. It has been clearly recognised that - the temple of Sri Sumatendra Anjaneya Devaru to which is attached the buildings and site situated in Chickpet, Bangalore City, is a Muzrai Institution. Annual Ready Money Grants to the - value of Rs.27-14-0 and a Devadaya Inam in Doddakunte Village, Bangalore Taluq, have been granted by Government and registered in the Inam - Registers for the benefit of the said Institution the details whereof have already been submitted - with the petitioner's application dated 22:12:1919 The trust, management and all interest in the - said temple and its properties having been made over to the then presiding Swamigalu of the Sri Sumatendra

Sumatendra or Raghavendra Swami Mutt, the petitioner Mutt authorities took over the control - and management of the Institution and got the same established as a recognised Muzrai Institution by obtaining from Government Annual Ready Money Grants in addition to the Land Inam endowed thereto by the late Madhava Rao, the original founder of the temple.

3. The opponent's mother and guardian - Venku Bai has in 1908 clearly admitted the nature and factum of the trust, that the house and site attached to the temple were set apart and endowed for the upkeep of the temple, that some Inam lands had been endowed for the same purpose, that the rents derived from the shops attached to the building were used by her only for the purposes of the temple such as services, repairs &c. The opponent has also admitted the aforesaid circumstances in his statement recently recorded on the occasion of the Murghi Swami's visit to Bangalore and in the receipts granted by him to the tenants of the shops attached to the Institution in question.

4. The opponent (present archak) is incompetent and ineligible to manage the stipulated - functions in the temple and the worship therein - and there have been numerous complaints that the - daily worship and the stipulated Sevas in the temple are neglected, the temple itself with its - inner adjuncts being resorted to by all sorts of objectionable characters. The opponent has by his conduct clearly shown that he is not fit to continue as archak and liable to be ousted. As

recognised

recognized Managers of the Institution in question the petitioner Mutt authorities - have exercised authority in the past over the Institution by appointing competent - archaks and making due provision for the - worship &c., therein as evidenced by the - documents produced. The Petitioner Mutt it was who appointed one of the ancestors of the opponent as Poojari or archak of the - temple as borne out by unimpeachable documentary evidence after removing the previous office holders. The oppo ent is therefore estopped from denying the title of the petitioner Mutt to the temple and its properties. The opponent has only jus recently attempted to set up his own private rights in the temple and its properties and th re has been till very recently not a single circumstance to constitute his possession, adverse to the institution.

4. Inasmuch as (1) the institution is clearly a Muzrai Instituti on endowed with Devadaya Inam and Cash Gra nts, (2) the position of the opponent is a bare trustee, the remedy for regaining possession o trust property from whose hands,is never barred by any law of limitation, (3) there is a total absence of evidence on the opponent's side to show that his possession was adverse and hostile to the Institution for any long period and (4) it is perfectly clear from the atti tude taken up by the opponent that he has repuc iated the very trust under which he holds the p roperty and is incom-
-petent

incompetent to perform the duties attached to the trust,

The Government is thoroughly competent to resume possession of the temple and its properties including the site and attached structures and make due and proper provision for safeguarding the interests of the Muzrai - Institution by restoring it to the petitioner Mutt who are and have been responsible to Government for its proper management as the recognized Managers thereof. The above procedure is imminently necessary and highly desirable.

6. The petitioner has applied for authenticated copies of certain old references of the - original Nirup of 1 bl 799-1800 and subsequent account for payment of the ash Tasdiks and other amounts for expenses in the temple in question to show - that the petitioner Mutt authorities are the recognised Managers ther eof and on receipt of these, - they will be duly produced for perusal.

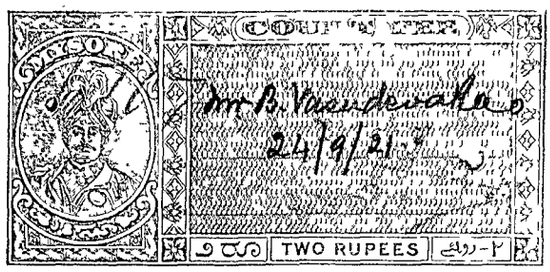
The petitioner humbly prays that he may be - heard in person or by Counsel before this application is finally disposed of.

BANGALORE,

30th Septr. 1921.

Petitioner.

P. Vasudevamurthy
Advocate




In the Court of the [illegible]

Murari Rao CASE No. OF 1921 —1922.

*Appellant, Plaintiff* *Respondent, Defendant.*

Hariyachar Ananthamurthy

**Vs.**

1. I the petr above named do by these presents retain MR. B. VASUDEVAMURTHI, B.A., LL.B., Advocate to appear in and conduct the above case on my behalf to judgment.

2. I further empower him to execute any decree or order that may be passed in my behalf and to receive from Court such sums of money as I may be entitled to get and to grant receipts therefor.

3. I also undertake to confirm and ratify all the legal acts done by him in so doing.

ಹರಿಯಾಚಾರ್

*Accepted*

P Vasudevamurthy

*Advocate for*

*Signed before me and personally known to me.*

B.V.

*Advocate.*